

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SHENG-WEN CHENG,

Plaintiff,

v.

JEREMY MAULTZ,

Defendant.

Case No. 3:23-cv-05324-TMC

ORDER TO SHOW CAUSE


This matter comes before the Court on its own motion. On October 16, 2023, Plaintiff Sheng-Wen Cheng filed a motion for extension of time to complete service. Dkt. 31. On October 19, 2023, Mr. Cheng's service of his complaint on Defendant Jeremy Maultz was returned due to the death of Mr. Maultz. Dkt. 32. On October 26, 2023, the Court accordingly denied Mr. Cheng's October 16 motion as moot and directed Mr. Cheng to file a status report no later than December 11, 2023, informing the court if he would still proceed with this case considering Mr. Maultz's death. Dkt. 33. As of December 14, 2023, Mr. Cheng has not made any filings regarding his intent to proceed with or terminate this case.

Plaintiffs have a general duty to prosecute their claims. *See Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587 F.2d 27, 29 (9th Cir. 1978) (citing *Boudreau v. U.S.*, 250 F.2d 209 (9th

1 Cir. 1957). To “prevent undue delays in the disposition of pending cases and to avoid congestion  
2 in the calendars of the District Courts,” federal courts may exercise their inherent power to  
3 dismiss a case of their own accord for a plaintiff’s failure to prosecute. *See Link v. Wabash R.*  
4 *Co.*, 370 U.S. 626, 629–31 (1962); *see also Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403  
5 F.3d 683, 689 (9th Cir. 2005) (finding that courts may dismiss cases *sua sponte* pursuant to Rule  
6 41(b) for failure to prosecute).

7 The Court therefore ORDERS Mr. Cheng to show cause as to why this case should not be  
8 dismissed without prejudice for failure to prosecute within 21 days of this Order. The Clerk is  
9 directed to send uncertified copies of this Order to all counsel of record and to any party  
10 appearing pro se at said party’s last known address.

11 Dated this 14th day of December, 2023.

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14 Tiffany M. Cartwright  
15 United States District Court Judge  
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